

ARGUMENTS

I. Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner has rejected claims 1-42 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner contends that the expression "without other non-metallocene catalyzed random copolymers" is a negative limitation, which is not supported directly or conceptually by the specification as originally filed. Applicants have amended claims 1, 16, 29 and 42 to remove the objectionable language. Accordingly, the rejection under 35 U.S.C. §112, first paragraph, should be withdrawn.

II. Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-42 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner contends the phrase "formed from a random copolymer of propylene and ethylene prepared using a metallocene catalyst useful in the polymerization of isotactic polypropylene" is confusing. Applicants have amended claims 1, 16, 29 and 42 to remove the objectionable language and replaced this phrase with "metallocene catalyzed, isotactic ethylene/propylene copolymer having a random comonomer distribution", as suggested by the Examiner. Accordingly, the rejection under 35 U.S.C. §112, second paragraph, should be withdrawn.

III. Additional Claim Amendments

In response to Examiners mention of JP-1 1-060833 as a prior art reference, Applicants further have incorporated the limitations of "the ethylene present in the ethylene-propylene copolymer in an amount of from about 0.5% to about 30% by weight, wherein the ethylene-propylene copolymer has a DSC melting point temperature of less than about 125°C" into the pending independent claims. These additional limitations clearly distinguish the pending amended claims from the teachings of JP-1 1-060833.

IV. Previous Rejection Under 35 U.S.C. §102(b)

An invention is said to be "anticipated" only if each and every element set forth in the claim is found, either expressly or inherently, within a single prior art reference. *Verdegall Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628,631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The fact that a certain characteristic may occur or be present in the prior art is not sufficient to establish inherency of that characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993) (emphasis added). Mere possibilities or even probabilities are not enough to establish inherency. See *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 20 U.S.P.Q.2d 1746 (Fed. Cir. 1991).

The Examiner had previously rejected claims 1-9, 11-15 and 42 under 35 U.S.C. a7 102(b) as being anticipated by JP-11-060833. This reference, however, discloses materials that are entirely different from Applicants'. Specifically, JP-11-060833 only discloses materials having melting point temperatures of greater than 125°C (See first column of Table 1). Applicants' independent claims specify melting point temperatures that are lower than this. This is supported in the specification at page 14, lines 25-28, and in Table 1 (Product #4) and Table 4 (MRCP-4). Additional claimed properties, such as haze, gloss, xylene solubles, etc. are also not shown or taught by the JP-1 1-06083 3 reference nor could it be argued that these are inherent within the disclosed materials of JP-11-060833 as the Japanese reference is directed to a blend of two different materials that differ from Applicants' material. Accordingly, this reference fails as an anticipatory reference.

The Examiner has previously rejected claims 1-42 under 35 U.S.C. § 102(b) based upon EP 0-669-348 A1. This reference, however, specifically excludes copolymers of ethylene (See page 3, lines 9-11). Applicants' claims require a copolymer of propylene and ethylene. Therefore, this reference also fails as an anticipatory reference and the rejection of claims 1-42 under 35 U.S.C. §102(b) should be withdrawn.

V. Previous Rejection Under 35 U.S.C. §103(a)

The Examiner has previously rejected claims 1-42 under 35 U.S.C. a7 103(a) based upon the combination of EP 0-669-348 A1 and JP-11-060833.

In order to establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim limitations when combined. See *In re Royka*, 490F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974); and MPEP 2143.03.

The combination of HP 0-669-348A1 and JP-1 1-060833 fail to teach or suggest all of the claim limitations of Applicants' claims and therefore fail to establish a prima facie case of obviousness. Specifically, there is no teaching by such combination of a copolymer of propylene and ethylene that has the claimed properties, such as ethylene from about 0.5% to about 30% by weight combined with a melting point temperature of less than about 125°C. Accordingly, the combination of these references fail to establish a prima facie case of obviousness.

VI. Conclusion

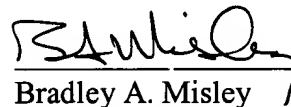
Applicants submit that the amended claims are in a condition for allowance. Favorable action is therefore requested. If the Examiner believes that the prosecution of the present application can be expedited by addressing any outstanding issues over the phone, Applicants would invite the Examiner to contact the undersigned at the phone number provided.

Please direct all future correspondence to :

Mr. David Alexander
Fina Technology, Inc.
P.O. Box 674412
Houston, Texas 77267-4412

281-884-0650

Respectfully Submitted,



Bradley A. Misley
Reg. No. 46,937
Fina Technology, Inc.
P.O. Box 674412
Houston, Texas 77267-4412
281-227-5370

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